

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

211

CRM-M-31646-2020 (O&M)

Date of decision: 30.11.2021

DAVINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. JS Bhinder, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case baring FIR No.19 dated 26.01.2020, registered under Section 22 of the NDPS Act, at Police Station Samana, District Patiala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that nothing further is to be recovered from the petitioner, who has been in custody since 26.01.2020 and that as co-accused, namely, Satnam Singh, has already been granted the concession of regular bail by this Court, vide order dated 08.09.2021, the petitioner may also be granted such concession, on the ground of parity. He further submits that, as far as FIR No.101 dated 23.10.2016, under Section 22 of the NDPS Act, at Police Station Ghagga, registered against the petitioner is concerned, he stands acquitted vide judgment dated 06.01.2020 passed by Judge Special Court, Patiala.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that the recovery

effected from the petitioner is a commercial quantity. He, however, has not disputed the custody period of the petitioner as well as the factum of the co-accused being on bail. He further submits that out of 13 prosecution witnesses, 05 have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.01.2020. Co-accused-Satnam Singh has already been enlarged on bail. Recovery has already been effected. Prosecution witnesses are yet to be examined. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

30.11.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No